SUPPORT FOR THE AMENDMENTS

Claims 13-19 were previously canceled.

Claims 1-12 have been amended.

The amendment of Claims 1-12 serves to replace the phrase "animal breeding material" with the more appropriate term "animal bedding material." Support for this amendment is found on pages 3 and 6 of the specification. Further the specification has also been amended accordingly.

No new matter has been added by the present amendment.

REMARKS

Claims 1-12 are pending in the present application.

At the outset, Applicants wish to thank Examiner Abbott for the helpful and courteous discussion with their undersigned Representative on August 25, 2005. During this discussion, various arguments and potential amendments were discussed to address the outstanding objections and rejections. The content of this discussion is believed to be reflected in the present response. Reconsideration of the outstanding rejections is requested in view of the following remarks.

The rejections of: (a) Claims 1, 2, 7, 8, and 12 under 35 U.S.C. §102(e) over Denesuk et al; (b) Claims 1, 2, 7, and 9 under 35 U.S.C. §102(e) over Evans et al; and (c) Claims 1, 7, 10, 11, and 12 under 35 U.S.C. §102(e) over Lang, are respectfully traversed.

A critical feature of the presently claimed invention is that the animal bedding material or article contains *a basic amino acid cellulose partial ester* or a salt thereof (see Claim 1). It is this feature that is lacking in each of the reference cited by the Examiner.

In making the aforementioned rejections the Examiner asserts that the disclosure by Denesuk et al of a cellulose acetate and the disclosure by Evans et al of cellulose phosphate read on a basic amino acid cellulose partial ester. However, Applicants submit that these two compounds that the Examiner alleges to read on the claimed invention are nothing more than a salt form of cellulose, which is not the equivalent of the claimed basic amino acid cellulose partial ester.

A basic amino acid cellulose partial ester contains at least two distinct moieties, a basic amino acid moiety and a cellulose moiety. To further the Examiner's understanding and appreciation of compounds that would fall within the scope of the present invention, the

Examiner is referred to the production examples on pages 7-9 of the present specification. Specifically, in the production examples L-lysine cellulose partial ester citrate and L-arginine cellulose partial ester citrate were produced. As stated above, the compounds cited by the Examiner in Denesuk et al and Evans et al are not the same as the basic amino acid cellulose partial ester of the claimed invention as they only contain the cellulose moiety. Applicants further note that Lang does not disclose or suggest even a cellulose containing compound, much less a basic amino acid cellulose partial ester.

In view of the foregoing, Applicants submit that the present invention is neither anticipated by nor obvious in view of the disclosures of Denesuk et al, Evans et al, and/or Lang. Accordingly, Applicants request withdrawal of this ground of rejection.

The objections to the specification, the title, and the claims, as well as the rejection of Claims 1-12 under 35 U.S.C. §112, first paragraph (enablement), are obviated by amendment.

These criticisms by the Examiner each relate to the previous usage of the phrase "animal breeding material." To address this criticism, Applicants have amended the specification and claims as suggested by the Examiner to use the more appropriate term "animal bedding material."

In view of the amendments herein, Applicants request withdrawal of the objections to the specification, the title, and the claims, as well as the rejection of Claims 1-12 under 35 U.S.C. §112, first paragraph (enablement). Acknowledgement to this effect is requested.

It is request that the *provisional* obviousness-type double patenting rejections of: (a) Claims 1, 2, and 4 over Claims 1 and 4 of U.S. 10/296,217, and (b) Claims 1, 5, and 6 over Claims 1, 2, and 6 of U.S. 10/834,108, be held in abeyance until an indication of allowable subject matter is given.

Applicants remind the Examiner that MPEP §804 states:

> If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Therefore, upon withdrawal of the outstanding objections and rejections above the provisional obviousness-type double patenting rejections may be the only remaining issue in the present application. If this is indeed the case, Applicants submit that the provisional obviousness-type double patenting rejections over U.S. 10/296,217 and U.S. 10/834,108 should be withdrawn if each of these applications remain pending at that time.

Acknowledgement to this effect is requested.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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